

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

WEIGHING BALED MATERIAL

and identified by Docket No. 069092.0117, the specification of which:

- a. ☒ is attached hereto
- b. ☐ was filed on _____ as United States Application Number or PCT International Application Number _____ and was amended on _____ (if applicable), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT application having a filing date before that of the application on the basis of which priority is claimed:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
	None		

OTHER FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
	None		

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or 365(c) of any PCT international application(s) designating the United States of

America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. PARENT APPLICATION OR PCT PARENT NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
None		

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/445,720	6, February, 2003
60/445,498	6, February, 2003

And I hereby appoint:

James B. Arpin of Washington, D.C., Registration No. 33,470 ;
Jerry W. Mills of Dallas, Texas, Registration No. 23,005 ;
Jay B. Johnson of Dallas, Texas, Registration No. 38,193 ;
Barton E. Showalter of Dallas, Texas, Registration No. 38,302 ;
Christopher W. Kennerly of Dallas, Texas, Registration No. 40,675 ;
Luke K. Pederson of Dallas, Texas, Registration No. 45,003 ;
Jenni Moen of Dallas, Texas, Registration No. 52,038 ;
David G. Willie of Dallas, Texas, Registration No. 38,363 ;
Howard L. Speight of Houston, Texas, Registration No. 37,733 ; and
Bradley S. Bowling of Houston, Texas, Registration No. 52,641 .

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. I hereby expressly waive my right to revoke the Power of Attorney granted above. Address all telephone calls to Bradley S. Bowling at telephone number 713-229-1802.

Address all correspondence to:

Bradley S. Bowling
 Baker Botts L.L.P.
 910 Louisiana Street
 Houston, Texas 77002-4995

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor Richard E. Waitkus, Jr.
Inventor's signature Richard E. Waitkus, Jr. Date: 2/6/2004
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Citizenship USA
Post Office Address 13911 Myrtle Drive, Houston, Texas 77079

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **RICHARD E. WAITKUS, JR.**
Serial No.: *Unassigned*
Filed on: **02.06.2004**
Entitled: **"WEIGHING BALED MATERIAL"**
Registered Attorney: **BRADLEY S. BOWLING, REG. NO. 52,641
OF BAKER BOTTS L.L.P.**
Attorney Docket No.: **016093.0117**

ASSERTION OF SMALL ENTITY STATUS UNDER 37 C.F.R. 1.27(a)(1)

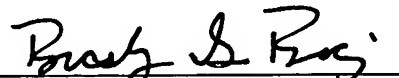
Hon. Commissioner of Patents and Trademarks
Mail Stop: PATENT APPLICATION
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Inventor, Richard E. Waitkus, Jr. asserts he is a small entity and qualifies for small entity status under 13 C.F.R. 121, 37 C.F.R. 1.27(a)(1), and 37 C.F.R. 1.27(a)(2).

Assignee, MGM Services, Inc., herein assert that it is a small entity and qualifies for small entity status under 13 C.F.R. 121, 37 C.F.R. 1.27(a)(1), and 37 C.F.R. 1.27(a)(2).

Respectfully submitted,
BAKER BOTTS L.L.P. (023640)

By: 

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Date: February 6, 2004